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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,245	10/11/2000	David Wayne Kelleher	G&C 139.142-US-U1	7831

			EXAMINER
22462	7590	07/11/2006	IQBAL, KHAWAR

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ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/689,245</td><td>Applicant(s)
KELLEHER, DAVID WAYNE</td></tr>
<tr><td>Examiner
Khawar Iqbal</td><td>Art Unit
2617</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*09 June 2006*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-11,13-15,17-25,27-29,31-39,41-43,45,47,49,51,53 and 55-60* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-11,13-15,17-25,27-29,31-39,41-43,45,47,49,51,53 and 55-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1,3-11,13-15,17-25,27-29,31-39,41-43,45,47,49,51,53 and 55-60 are

rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al

(6301609) further in view of SAKAI et al (20020177438).

3.   Regarding claim 1 Aravamudan et al teaches a method for enabling cellular

instant messaging comprising (fig. 1):

receiving in a cellular network, a telemetry message from first cellular phone

wherein the telemetry message a remote feature activation message and indicates the

availability on a cellular network of the first cellular phone and wherein the remote

feature activation message is interpreted by the cellular network (receiving notification

of the user's presence online) (col. 10, lines 2-10);

in response to receiving the telemetry message, storing information regarding the

first cellular phone in an instant messaging database, wherein the information

comprises a buddy list (col.4, lines 30-45, col. 6, lines 10-30, col. 9, lines 55-65); and

transmitting a browser alert to one or more relevant buddies identified in the buddy list

(col.7 lines 1-40, col. 8, lines 35-45, col. 8, line 60-col. 9, line 25). Aravamudan et al

teaches the CPE device that a user is utilizing is a packet device, then the packet

address to which the CPE device is attached is provided. The IM server then notifies

the CSP of the user's online presence and address, in accordance with step 236. The

IM server also notifies selected buddies to the user of the users presence online. In

step 238, the CSP updates the CSP database to indicate that the user is online, which

CPE device the user is utilizing to access the network, and the address to which the

CPE device is attached and notification received, the CSP updates the CSP database

to indicate that the user is online, which CPE device the user is utilizing to access the

network, and the address to which the CPE device is attached and held in abeyance

during that time period for which the user had been off-line or inactive. The user's real

presence is therefore advertised to others who have identified the user as a buddy.

However, when the user is off-line, all others who have identified the user as a buddy

are notified that the user is not online and is not available. Aravamudan et al does not

teach as a roaming cellular phone desiring to activate/deactivate a feature.

In an analogous art, SAKAI et al teaches as a roaming cellular phone desiring to

activate/deactivate a feature (para. # 0008, figs. 1-11). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

the device of Aravamudan et al by specifically adding roaming feature in order to

enhance system performance, communication-service providers require

communication service terminals to activate or deactivate of a specific service while

roaming as taught by SAKAI et al.

Regarding claim 11 Aravamudan et al teaches a method for enabling cellular

instant messaging comprising (fig. 1):

transmitting, from a first cellular phone, a telemetry message comprising a

remote feature activation message wherein telemetry message indicates the first

cellular phone's availability on a cellular network (col.6, lines 10-45, col. 7, line 15-col. 8,

line 4, col. 9, lines 55-65);

receiving a browser alert, on the first cellular phone, indicating availability of buddies on

a buddy list of the first cellular phone (col. 7 lines 1-40, col. 8, lines 35-45, col. 8, line

60-col. 9, line 25). Aravamudan et al teaches the CPE device that a user is utilizing is a

packet device, then the packet address to which the CPE device is attached is

provided. The IM server then notifies the CSP of the user's online presence and

address, in accordance with step 236. The IM server also notifies selected buddies to

the user of the users presence online. In step 238, the CSP updates the CSP

database to indicate that the user is online, which CPE device the user is utilizing to

access the network, and the address to which the CPE device is attached and

notification received, the CSP updates the CSP database to indicate that the user is

online, which CPE device the user is utilizing to access the network, and the address to

which the CPE device is attached and held in abeyance during that time period for

which the user had been off-line or inactive. The user's real presence is therefore

advertised to others who have identified the user as a buddy. However, when the user

is off-line, all others who have identified the user as a buddy are notified that the user is

not online and is not available. Aravamudan et al does not teach as a roaming cellular

phone desiring to activate/deactivate a feature.

In an analogous art, SAKAI et al teaches as a roaming cellular phone desiring to

activate/deactivate a feature (para. # 0008, figs. 1-11). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

the device of Aravamudan et al by specifically adding roaming feature in order to

enhance system performance, communication-service providers require

communication service terminals to activate or deactivate of a specific service while

roaming as taught by SAKAI et al.

Regarding claim15 Aravamudan et al teaches a system for enabling cellular

instant messaging comprising (figs. 1-9):

an instant messaging database configured to maintain information regarding

a first cellular phone, wherein the information comprises a buddy list (col. 4, lines 30-45,

col. 6, lines 10-30, col. 9, lines 55-65);

a cellular network; and a server configured to:

receive a telemetry message comprising a remote feature activation message

from a cellular phone wherein telemetry message indicates the availability of the first

cellular phone on the cellular network (col. 7, line 15-col. 8, line 4); and

transmit a browser alert to one or more relevant buddies identified in the buddy list (col.

7 lines 1-40, col. 8, lines 35-45, col. 8, line 60-col. 9, line 25). Aravamudan et al

teaches the CPE device that a user is utilizing is a packet device, then the packet

address to which the CPE device is attached is provided. The IM server then notifies

the CSP of the user's online presence and address, in accordance with step 236. The

IM server also notifies selected buddies to the user of the users presence online. In

step 238, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and notification received, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and held in abeyance during that time period for which the user had been off-line or inactive. The user's real presence is therefore advertised to others who have identified the user as a buddy. However, when the user is off-line, all others who have identified the user as a buddy are notified that the user is not online and is not available. Aravamudan et al does not teach as a roaming cellular phone desiring to activate/deactivate a feature.

In an analogous art, SAKAI et al teaches as a roaming cellular phone desiring to activate/deactivate a feature (para. # 0008, figs. 1-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Aravamudan et al by specifically adding roaming feature in order to enhance system performance, communication-service providers require communication service terminals to activate or deactivate of a specific service while roaming as taught by SAKAI et al.

Regarding claim 25 Aravamudan et al teaches a system for enabling cellular instant messaging comprising a first cellular phone configured to (fig. 1):

transmit a telemetry message comprising a remote feature activation message wherein telemetry message indicates the first cellular phone's availability on a cellular network (col. 6, lines 10-45, col. 7, line 15-col. 8, line 4, col. 9, lines 55-65);

receive a browser alert indicating availability of buddies on a buddy list of the first

cellular phone (col. 4, lines 30-45, col. 6, lines 10-30, col. 9, lines 55-65). Aravamudan

et al teaches the CPE device that a user is utilizing is a packet device, then the packet

address to which the CPE device is attached is provided. The IM server then notifies

the CSP of the user's online presence and address, in accordance with step 236. The

IM server also notifies selected buddies to the user of the users presence online. In

step 238, the CSP updates the CSP database to indicate that the user is online, which

CPE device the user is utilizing to access the network, and the address to which the

CPE device is attached and notification received, the CSP updates the CSP database

to indicate that the user is online, which CPE device the user is utilizing to access the

network, and the address to which the CPE device is attached and held in abeyance

during that time period for which the user had been off-line or inactive. The user's real

presence is therefore advertised to others who have identified the user as a buddy.

However, when the user is off-line, all others who have identified the user as a buddy

are notified that the user is not online and is not available. Aravamudan et al does not

teach as a roaming cellular phone desiring to activate/deactivate a feature.

In an analogous art, SAKAI et al teaches as a roaming cellular phone desiring to

activate/deactivate a feature (para. # 0008, figs. 1-11). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

the device of Aravamudan et al by specifically adding roaming feature in order to

enhance system performance, communication-service providers require

communication service terminals to activate or deactivate of a specific service while roaming as taught by SAKAI et al.

Regarding claim 29 Aravamudan et al teaches an article of manufacture comprising a program storage medium readable by a computer hardware device and embodying one or more instructions executable by the computer hardware device to perform a method for enabling cellular instant messaging, the method comprising (abstract):

receiving a telemetry message comprising a remote feature activation message wherein telemetry message indicates the availability on a cellular network of a first cellular phone (col. 7, line 15-col. 8, line 4);

storing information regarding the first cellular phone in an instant messaging database, wherein the information comprises a buddy list (col. 4, lines 30-45, col. 6, lines 10-30, col. 9, lines 55-65); and

transmitting a browser alert to one or more relevant buddies identified in the buddy list (col. 4, lines 30-45, col. 6, lines 10-30, col. 9, lines 55-65). Aravamudan et al teaches the CPE device that a user is utilizing is a packet device, then the packet address to which the CPE device is attached is provided. The IM server then notifies the CSP of the user's online presence and address, in accordance with step 236. The IM server also notifies selected buddies to the user of the users presence online. In step 238, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and notification received, the CSP updates the CSP database to

indicate that the user is online, which CPE device the user is utilizing to access the

network, and the address to which the CPE device is attached and held in abeyance

during that time period for which the user had been off-line or inactive. The user's real

presence is therefore advertised to others who have identified the user as a buddy.

However, when the user is off-line, all others who have identified the user as a buddy

are notified that the user is not online and is not available. Aravamudan et al does not

teach as a roaming cellular phone desiring to activate/deactivate a feature.

In an analogous art, SAKAI et al teaches as a roaming cellular phone desiring to

activate/deactivate a feature (para. # 0008, figs. 1-11). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify

the device of Aravamudan et al by specifically adding roaming feature in order to

enhance system performance, communication-service providers require

communication service terminals to activate or deactivate of a specific service while

roaming as taught by SAKAI et al.

Regarding claim 39 Aravamudan et al teaches an article of manufacture

comprising a program storage medium readable by a computer hardware device and

embodying one or more instructions executable by the computer hardware device to

perform a method for enabling cellular instant messaging, the method comprising

(abstract):

transmitting, from a first cellular phone, a telemetry message comprising a

remote feature activation message wherein telemetry message indicates the first

cellular phone's availability on a cellular network (col. 6, lines 10-45, col. 7, line 15-col. 8, line 4 col. 9, lines 55-65);

receiving a browser alert, on the first cellular phone, indicating availability of buddies on a buddy list of the first cellular phone (col. 7 lines 1-40, col. 8, lines 35-45, col. 8, line 60-col. 9, line 25). Aravamudan et al teaches the CPE device that a user is utilizing is a packet device, then the packet address to which the CPE device is attached is provided. The IM server then notifies the CSP of the user's online presence and address, in accordance with step 236. The IM server also notifies selected buddies to the user of the users presence online. In step 238, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and notification received, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached and held in abeyance during that time period for which the user had been off-line or inactive. The user's real presence is therefore advertised to others who have identified the user as a buddy. However, when the user is off-line, all others who have identified the user as a buddy are notified that the user is not online and is not available. Aravamudan et al does not teach as a roaming cellular phone desiring to activate/deactivate a feature.

In an analogous art, SAKAI et al teaches as a roaming cellular phone desiring to activate/deactivate a feature (para. # 0008, figs. 1-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

the device of Aravamudan et al by specifically adding roaming feature in order to
enhance system performance, communication-service providers require
communication service terminals to activate or deactivate of a specific service while
roaming as taught by SAKAI et al.

Regarding claims 3,4,13,14,17,18,27,28,31,32,41,56 Aravamudan et al teaches
wherein the telemetry message is a registration notification message and the telemetry
message further indicates that a cellular phone has been powered on and the
information further comprises a customer's profile for the cellular phone (col. 2,lines 25-
45 and see above).

Regarding claims 5-7,19-21,33-35 and 42 Aravamudan et al teaches wherein the
instant messaging database is maintained by an instant messaging partner (col. 4, lines
30-45, col. 6, lines 10-65, see above).

Regarding claims 8,9,22,23,36,37 Aravamudan et al teaches wherein the one or
more relevant buddies comprise buddies on the first cellular phone's buddy list and
wherein the one or more relevant buddies comprise computers connected to the
Internet (col. 6, lines 10-65, see above).

Regarding claims 10,24 and 39 Aravamudan teaches utilizing a short message
service to deliver text messages using the cellular phone (col. 6, lines 10-65, see
above).

Regarding claims 43,45,47,49,51,53 Aravamudan et al wherein the remote
feature activation message comprise data encoded in a dialed digits field of a message
(col. 6, lines 10-65, see above).

Regarding claims 55-60 Aravamudan et al see claim 1.

Response to Arguments

4.   Applicant's arguments with respect to claims 1,3-11,13-15,17-25,27-29,31-39,41-

43,45,47,49,51,53,55-60 have been considered but are moot in view of the new

ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Khawar Iqbal whose telephone number is 571-272-

7909.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Khawar Iqbal

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER